

Cambridge University Press

0521792266 - Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century

Rudolph Peters

Index

[More information](#)*Index*

- (d.1825). n.107
 ‘*amd*. See intent; homicide, intentional 191
 ‘*aqila*. n.117
 ‘*aql*. See bloodmoney, bloodprice 49
 ‘*idda*. 15, 192
 ‘*işma*. 25, 193
 ‘*isma*, 25, n.114, 193, 201, 208
 ‘*örf*. n.75, 76, 77, 194
 Şeyh ül-Islâm. 72, 82, 90, 92, 128, 129, 131, 196
 Çavuşzâde, Mehmed ‘Azîz. n.88, n.127, 132, n.132, 198
dabtiyya. Zie police*** 137
- Abû Bakr, first caliph (632–634). 64
 Abû Hanîfa. 15, 43, 67, 71, 72, 111, 115, 135, 140
 Abû Yûsuf. 24, 33, 43, 67, 71, 72, 115, 136
 Abu Zayd, Nasr Hamid. 180
 accomplice. 82
actus reus. 20, 24, 116, 191
 adversarial. 9, 135
 Afghanistan. 105, n.147
 aggravating circumstances. 28, 58, 151
 Ahmadiyya. 158, 160, 180
akçe. 74, 100, 191
 alcoholic beverages. 1, 11, 15, 24, 35, 64, 67, 125, 144, 150, 154, 157, 162, 164, 165, 168, 173, 179, 187
 Alexandria. 134, n.136, 137, 138, 201
alkali. 120, 121, 191
 Amina Lawal. 171
 Amnesty International. n.155, n.168, n.169, 176
 amputation. 28, 31, 32, 35, 36, 55, 56, 57, 66, 92, 93, 94, 95, 99, 100, 101, 104, 107, 108, 115, 117, 119, 123, 125, 133, 139, 140, 142, 145, 146, 150, 151, 154, 155, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 175, 176, 184, 195
 Anatolia. 71
 apostasy. 7, 27, 53, 64, 65, 99, 133, 161, 164, 165, 168, 177, 179, 183, 193
- Apostasy. 195
 apostate. 27, 38, 65, 161, 168, 180, 194, 196
 appeal. 91, 106, 121, 122, 124, 129, 134, 135, 139, 140, 147, 150, 155, 156, 161, 171, 172, 180, 192
 Arabian Peninsula. 103
 Arabic. 120, 183, 194, 208, 210
 arrest. 11, 32, 59, 69, 77, 79, 82, 99, 137
arsh. Zie bloodmoney, bloodprice*** 191
 Atatürk. 133
 autopsy. 81
awliya’ al-dam. Zie prosecutor:private*** 196
 Zie prosecutor:private*** 44
- Bahai. 178
 banditry. 7, 27, 28, 31, 34, 36, 37, 53, 57, 58, 93, 118, 122, 123, 136, 142, 150, 151, 152, 156, 169, 192
 banishment. 31, 34, 37, 58, 60, 61, 66, 96, 98, 130, 131, 140, 151, 154, 194, 196
 Bayezid II. 73
bayt al-mâl. 31, 191
 Bengal. n.108, 109, 110, n.110, n.116, n.117, 198, 199, 200, 202, 203, 206, 209
 blasphemy. 144, 160, 163, 164, 180
 bloodmoney, bloodprice. 7, 8, 13, 17, 18, 19, 23, 26, 33, 38, 39, 40, 41, 42, 43, 44, 46, 47, 49, 50, 51, 52, n.52, 53, 59, 72, 78, 81, 82, 83, 85, 90, 92, 95, 99, n.105, 112, 117, 119, 122, 123, 130, 131, 132, n.132, 135, 138, n.138, 154, 156, 157, 161, 162, n.162, 167, 177, 178, 179, 191, 200, 201, 207, 211
 enhanced bloodprice. 51, 191
 bloodprice, bloodmoney
 enhanced bloodprice. 51
 bodily harm. 7, 8, 19, 24, 27, 30, 36, 38, 39, 40, 43, 44, 47, 48, 49, 52, 57, 59, 65, 77, 82, 117.
 See also wounding*** 7
 branding. 94, 101, 119
 bribery. 149
buyuruldu. 80

- Cairo. vii, n.9, n.13, 14, n.15, n.22, n.27, n.68, 107, 125, 134, n.136, n.137, n.164, 197, 200, 201, 202, 203, 205, 207
- caning. 74, 97, 99, 109, 130, 140, 171
- capital offence. 109, 124, 127, 130, 156, 158, 172, 180, 195
- capital punishment. 14, 27, 30, 31, 32, 36, 37, 44, 48, 49, 58, 61, 62, 65, 66, 67, 68, 76, 79, 85, 90, 91, 96, 99, 101, 105, 106, 108, 111, 113, 115, 120, 125, 136, 138, 149, 150, 152, 154, 155, 161, 162, 165, 167, 175, 176, 179, 180, 181, 186, 188, 189
- castration. 94
- Central Asia. 6, 71, 103
- children. 19, 21, 22, 23, 30, 32, 37, 45, 48, 49, 63, 75, 95, 106, 118, 150, 151, 170, 171, 175, n.176, 181, 193. *see also* minors*** 193
- Christians. n.8, 38, 125, 133, 184, 203
- circumstantial evidence. 9, 15, 82, 121, 150, 166, 191
- claim of God. 7, 11, 32, 39, 53, 54, 55, 58, 63, 192
- claim of men. 11, 24, 27, 28, 32, 39, 53, 54, 58, 63
- codification. 143, 153, 204
- coercion. 20, 23, 24, 34, 82, 83, 86, 100, 163, 193. *See also* duress*** 193
- coitus interruptus*. 51
- common law. 1, 111, 120
- complicity. 2, 8, 20, 28
- confession. 9, 11, 13, 14, 15, 16, 37, 55, 59, 60, 62, 75, 76, 77, 82, 83, 107, 112, 116, 140, 149, 150, 151, 156, 163, 164, 177, 193
- confiscation. 10, 33, 98, 127
- consensus. 1, 22, 23, 149, 193
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. 174, 175
- Convention for the Elimination of All Forms of Discrimination against Women. 174, 175
- Convention on the Rights of the Child. 174, 175, 181
- çöplük subası*. *Zie* environmental police*** 98
- Cornwallis, Charles. 110, 114
- corporal punishment. 32, 68, 76, 78, 88, 90, 94, 96, 99, 101, 104, 109, 119, 125, 137, 138, 145, 160, 167, 176, n.176
- corruption on earth, spreading. 86, 90, 91, 127, 130, 150, 152, 161, 195
- counterfeiting. 90, 96, 136, 149
- criminal intent. 20, 29, 43, 115, 135
- cross amputation. 58, 100, 155, 161, 166, 167, 185, 195
- crucifixion. n.27, 37, 38, 57, 58, n.68, 123, 151, 154, 156, 162, 166, 168, 176, 195
- custody. 9, 34, 70, 73, 75, 80, 81, 118, 192
- customary law. 78, 124
- Divân-i Hümayûn*. *Zie* Ottoman institutions, Imperial Divan*** 78
- death sentence. 14, 17, 32, 39, 40, 70, 79, 86, 87, 91, 101, 106, 109, 110, 120, 121, 122, 124, 125, 131, 133, 135, 150, 151, 152, 157, 158, 161, 163, 165, 167, 185, 187, 188
- defamation. 53, 62, 66, 67, 73, 76, 85, 95, 125, 137, 177, 179, 194
- deterrence. 30, 53, 66, 68, 96, 101, 104, 109, 114, 146
- dhimmî*. 47, 51, 61, 179, 191
- dinar. 50, 51, n.51, 53, 56, 191
- dirham. 50, 51, n.51, 191
- discretionary punishment. 7, 8, 10, 11, 16, 19, 24, 29, 31, 33, 34, 38, 55, 56, 59, 66, 67, 75, 84, 86, 93, 94, 113, 118, 133, 139, 150, 151, 152, 156, 167, 172
- diya mughallaza*. *See* bloodmoney, bloodprice:enhanced bloodprice*** 51
- diyyet*. *Zie* bloodmoney, bloodprice*** 90
- drinking alcohol. 7, 15, 32, 35, 53, 64, 67, 85, 123, 125, 132, 150, 173, 179
- drugs. 144, 149, 151, 152, 160
- drunkenness. 21, 99, 130, 187
- duress. 9, 23, 24, 28, 62, 157, 163, 193. *See also* coercion*** 193
- e. *Zie* claim of man*** 192
- East India Company. 105, 106, 109
- Ebu's-Su'ud. n.15, n.16, 33, n.33, n.44, n.69, 72, 82, 83, 92, n.92, 201, 209
- Egypt. 4, 12, 14, 18, 23, 26, 28, n.54, 59, n.60, 105, 107, 108, n.109, 125, 126, 131, 133, n.133, 134, 135, 136, 137, n.138, n.139, 140, 143, n.143, 145, n.145, 180, 189, 198, 199, 204, 209, 210
- Egypt, institutions
 Jam 'iyya al-Ḥaqqāniyya. 134
 judicial councils. 130, 134, 136, 193
 Supreme Judicial Council. 134, 135, 137, 193
 Supreme Judicial Council (Majlis al-Aḥkām). 134
- Egypt, legislation
 Penal Code (1849). 136
 penal decree of 1829 136
 Qadis' Ordinance (1856). 135
 Qanun al-Filāḥa (1830). 136
 Qānūn al-Muntakhabāt. 136
Qānūnnāme al-Humāyūnī. 136
Qānūnnāme al-Sulṭānī. 136
- ehl-i 'urf*. 75, 76, 78, 83, 191
- embezzlement. 56, 66, 130, 136, 172
- embryo. 51
- emir. 120, 121, 122, 123, 124, 125

- Empire. n.62, n.71, 73, 78, n.85, 88, n.91, 109, n.128, n.129, 199, 200, 201, 204, 206
- environmental police. 98
- execution. 10, 14, 30, 31, 32, 36, 37, 38, 39, 41, 42, 46, 48, 76, 86, 90, 92, 98, 99, 101, 102, 104, 134, 146, 150, 156, 162, 163, 167, 168, 175, 176, 186
- executioner. 31, 35, 37, 99, 102
- executive authorities. 31, 68, 69, 76, 77, 85
- executive officials. 9, 70, 75, 76, 81, 82, 83, 84, 87, 94, 96, 100, 134, 188
- expiation. n.40, 41, 53, 117, 193
- exposure to public scorn. 10, 34, 66, 98, 119, 168, 196
- fasting. 10, 41, 64, 66, 95
- fatwa. 2, 3, 15, 16, 25, 26, 28, 33, 38, 42, 46, 49, 61, 79, 82, 83, 86, 89, 90, 91, 92, 99, 100, 110, 111, 112, n.112, 114, 116, 117, 118, 140, 149, 151, 152, 187, 209
- fermān*. 72, 80, 92, 97, 100, 101, 192
- fine. 33, 74, 75, 77, 87, 94, 95, 97, 100, 117, 123, n.124, 152, 165, 171
- fiqh*. 2, 7, 8, 19, 32, n.52, 65, 96, 97, 147, 148, 149, 151, 156, 159, 163, 165, 166, 176, 185, 188, 192, 197, 201, 208
- fitna*. 68
- fixed penalties. 7, 11, 14, 15, 16, 19, 22, 27, 28, 30, 31, 34, 35, 36, 53, 54, 56, 57, 59, 60, 62, 63, 64, 67, 74, 85, 93, 94, 95, 100, 107, 108, 109, 118, 123, 125, 133, 139, n.139, 140, 143, 145, 146, 150, 151, 163, 165, 166, 171, 172, 177, 184, 187, 192, 194, 195
- flogging. 12, 15, 23, 32, 35, 36, 39, 60, 61, 62, 63, 64, 66, 67, 74, 75, 87, 92, 93, 94, 97, 99, 109, 118, 122, 123, 125, 132, 133, 138, 139, 140, 145, 146, 150, 152, 154, 156, 159, 160, 161, 162, 165, 167, 171, 176, 189, 193
- fetus. 51, 131, 192
- forging documents. 96
- France. 182
- French law. 105, 131
- Gaddafi, Mu'ammār al-. 142, 153
- galleys. 99, 100, 101
- ghaṣb*. 55
- ghurra*. 51, 192
- guarantor (*kefil*). 80, 81, 82, 84, 193
- habitual offender. 68, 70, 90, 96
- hadd* penalties. 55
- hadd* offences. 8, 11, 13, 14, 15, 20, 34, 54, 61, 65, 67, 75, 85, 92, 105, 112, 115, 117, 123, 125, n.147, 149, 150, 151, 153, 158, 166, 168, 177, 187
- haddi lashing*. 123, 125
- hadith. 1, 5, 15, 22, n.31, 34, 55, n.55, 60, 61, 64, 67, 159, 169, 192
- Hanafite. 6, 11, 12, 13, 15, 17, 18, 20, 21, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 75, 82, 83, 85, 92, 95, 109, 111, 114, 132, 133, 135, 148, 156, 157, 167, 187, 188, 189
- Hanbalite. 6, 15, 17, 21, 24, 25, 27, 35, 41, 42, 43, 46, 48, 49, 50, 51, 61, 62, 63, 67, 143, 148, 149
- hāṣemīni*. 78
- hard labour. 108, 118
- Hay'at al-Tamyiz*. Zie Saudi Arabia, institutions, Board of Review*** 150
- Hay'at Kibār al-'Ulamā'*. Zie Saudi Arabia, institutions, Board of Senior 'Ulamā'*** 151
- head of state. 8, 23, 32, 44, 45, 54, 58, 101, 196
- heirs. 7, 9, 12, 14, 17, 18, 19, 27, 30, 31, 33, 37, 40, 43, 45, 46, 47, 48, 50, 52, 59, 63, 72, 78, 79, 83, 90, 104, 111, 112, 114, 115, 117, 119, 130, 132, 138, 146, 162, 176, 178, 186
- Heyd, Uriel. n.69, n.70, 73, n.73, n.76, 79, n.79, 83, n.83, n.93, n.99, 200, 208
- high treason. 127, 130, 134
- hisba*. 173
- homicide. 7, 8, 10, 12, 13, 14, 15, 16, 19, 20, 22, 24, 26, 27, 28, 30, 31, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 57, 58, 65, 72, 73, 78, 85, 92, 94, 96, 97, 104, 105, 108, 112, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 126, 128, 130, 131, 132, 136, 137, 138, n.138, 141, 143, 146, n.147, 149, 151, 153, 154, 156, 157, 160, 161, 162, 163, 165, 167, 169, 172, 176, 178, 186, 189, 191, 193, 195, 196, 204
- accidental. 41, 43, 44, 46, 49, 115, 117, 131, 132, 157, 193
- heinous murder. 44, 122, 172, 195
- indirect. 44, 195
- intentional. 7, 14, 17, 37, 39, 41, 42, 43, 44, 51, 53, 67, 76, 104, 111, 113, 115, 124, 127, 130, 131, 157, 172, 186, 195
- intentional. 46
- murder. 14, 27, 44, 48, 104, 106, 112, n.112, 113, 114, 115, 116, 124, 125, 134, 136, n.162
- poisoning. 26, 29, 42, 43, 111, 112, n.112, 136
- semi-accidental. 44
- semi-intentional. 51, 195, Zie semi-intentional*** 43, 49, Zie homicide, semi-intentional*** 41
- unintentional. 17, 41, 51
- wilful. 39, 42, 43, 106, 112, 115, 116, 117, 119, 121, 122, 124, 131

- homosexuality. 16, 32, 61, 67, 85, 94, 99, 162
- human rights. 5, 142, 155, n.158, 162, 173, 174, 175, 176, 177, 180, 181, 182, 183, 184, 185, 190, 199
- human rights organisations. 162
- Human Rights Watch. 176
- i' dhār*. 9, 192
- i' lām*. 76, 81, 85, 193
- habs. *Zie* imprisonment*** 98
- habs*. 192. *See* imprisonment*** 99
- hadd* offences. 7, 8, 10, 11, 13, 14, 15, 16, 19, 20, 22, 23, 27, 28, 30, 32, 34, 53, 54, 55, 56, 58, 59, 61, 64, 65, 66, 67, 74, 75, 85, 92, 105, 111, 112, 115, 117, 119, 122, 123, 125, 132, 139, 143, 145, n.147, 149, 150, n.150, 151, 152, 153, 154, 156, n.156, 157, 158, 159, 160, 161, 162, 165, 168, 169, 170, 176, 177, 179, 181, 184, 186, 187, 189
- ḥaqq Allāh. *Zie* claim of God*** 192
- ḥarbī*. 38, 192, 194
- ifsād*. 195. *See* corruption on earth, spreading*** 87
- Hilmī, 'Ömer. 72
- Hilmī, 'Ömer. n.72
- ḥirāba*. *Zie* banditry*** 195, *Zie* banditry*** 194, *Zie* banditry*** 192, *Zie* banditry*** 53
- ḥirz*. 56, 192
- ḥisba*. 192
- ijmā'. *Zie* consensus*** 193, *Zie* consensus*** 22
- ijtibād*. 149, 171
- imprisonment. 16, 31, 34, 39, 42, 58, 62, 66, 82, 83, 88, 96, 98, 117, 118, 119, 122, 123, n.124, 125, 131, 138, 140, 143, 150, 152, 154, 156, 158, 163, 165, 166, 171, 175, 180, 189, 192
- in flagrante*. 10, 78, 80, 99, 163, 178
- India. 4, 103, 104, 107, 108, 109, 110, 111, n.117, 119, 126, 194, 206, 209
- India, institutions
- law officers. 110, 111, 112, 113, 114, 116, 117, 118, 119
- India, legislation
- Penal Code for India (1861). 119, 125
- Penal Code for India (1861). 159
- Indonesia. 103
- injuries. 12, 23, 25, 36, 38, 39, 40, 43, 44, 47, 48, 50, 51, 52, 53, 77, 100, 191, 192
- inquisitorial. 135
- insanity. 7, 19, 20, 21, 41, 44, 55, 58
- intent. 29, 191
- homicide. 43
- intercourse, 195
- International Covenant on Civil and Political Rights. 174, 175, 176, 177
- interrogation. 9, 70, 116
- investigation. 9, 34, 69, 73, 75, 76, 80, 81, 82, 84, 85, 89, 92, 93, 95, 99, 127, 128, 135, 137, 139, 150, 164, 187
- iqrār*. *Zie* confession*** 193
- Iran. 105, n.105, 153, 160, n.160, n.161, n.162, 164, 175, 176, 178, 179, 180, 197, 200, 202, 204, 206, 211
- Iran, institutions
- Council of Guardians. 162
- revolutionary courts. 161
- Iran, legislation
- Penal Code (1991). 161, 176, 178, 179
- iridād*. *Zie* apostasy*** 193, *Zie* apostasy*** 64
- Istanbul. n.25, n.69, n.72, 80, n.83, n.88, n.90, 93, n.93, n.100, 101, 127, 128, n.132, 197, 198, 199, 200, 201, 202, 205
- ḥüccet*. 76, 81, 82, 88, 90, 192
- ḥukm*. *Zie* judgement*** 192, *Zie* judgement*** 23
- ḥukūmat* 'adl. 49, 52, 192
- jā'ifa*. 52, 193
- Jabartī, 'Abd al-Rahmān al- (d.1825). 107, n.122, 201
- jald*. *Zie* flogging*** 35
- Jamā'at-i Islāmī. 155
- Jews. 77, 93, 184
- judgement. 14, 35, 39, 54, 57, 60, 76, 81, 122, 140, 153. *see also* sentence*** 14
- judicial records. 75, 78, 84, 92, 187
- judiciary. 78, 109, 110, 120, 126, 129, n.133, 134, 135, 149, 151, 155, 163, 164, 167, 169, n.171, 189, 204, 210, 211
- jurists' law. 147
- kaffāra*. 30, 193
- Kastamonu. n.69, 88, 89, 199, 209
- Katsina. 121, n.122, 169, n.169, 171, 172, n.172
- Kengiri. 86
- khām*r. *see* wine*** 123
- khata'*. *Zie* wounding:accidental*** 43, *Zie* homicide:accidental*** 43
- khata'*. *Zie* accidental
- Khediye. 14, 134, 135, 136, 137
- Khomeini. 147, n.147, n.160, 203, 211
- killings. 25, 26, 27, 37, 61, 115, 156. *see also* homicide*** 25
- Koran. 1, 5, n.5, 7, 22, 37, 40, 53, 57, 58, 60, 65, 106, 148, 149, 155, 156, 158, 159, 161, 165, 169, 180, 192
- kiirek*. *Zie* galleys*** n.99

Cambridge University Press

0521792266 - Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century

Rudolph Peters

Index

[More information](#)

216

Index

- lapidation. *see* stoning*** 32
 lashes. *see* flogging*** 193
 law and order. 10, 68, 93, 105, 106, 109, 114, 120, 126, 147, 188
 law enforcement. 2, 3, 8, 9, 11, 105, 187, 188
 law officer. n.114
 law officers. n.112, *see* India, institutions:law officers*** 110
 law reform. 103, 104, 108, 133, 181
lawth. 17, 18, 121, 193
 Lebanon. 132
 legal protection. 25, 38, 177
 legislation. 4, 8, 69, 73, 74, 110, 117, 118, 130, 131, 137, 140, 143, 144, 145, 146, 147, 148, 149, 153, 154, 155, n.155, 158, 164, 169, n.170, 171, 173, 176, 184, 189, 204, 208
li'ān. 63, 159, 195
 liability. 52
 civil. 14
 criminal liability. 2, 7, 8, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 30, 33, 36, 38, 40, 42, 43, 44, 49, 50, 58, 72, 117, 119, 132, 154, 156, 157, 161, 167, 168, 170, 180, 181, 195
 Libya. 153, n.153, 154, n.155, 160, 175, 178, 203, 210
livāta. *Zie* sodomy*** 86
 Lugard, F.J.D'. 120

ma'mūma. 52, 193
mahr al-mithl. *see* proper brideprice*** 193
 Majlis al-Aḥkām. *see* Egypt, institutions: Supreme Judicial Council (*Majlis al-Aikām*)*** 193
Majlis al-Qadā' al-A' lā. *Zie* Saudi Arabia, institutions, Supreme Judicial Council*** 150
 Malaysia. 153, n.153, 202
 Malikites. 6, 15, 17, 21, 24, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 49, 50, 51, 53, 56, 57, 58, 60, 61, 63, 64, 66, 67, 120, 121, 122, 123, 125, 151, 154, 169, 171, 172, 173, 177, 180
 manslaughter. *see* homicide, intentional*** 195
maṣlaḥa. *see* public interest*** 33
marad al-mawt. *Zie* terminal illness*** 46
 market inspector. 9, 10, 80, 99, 192, 194, 195
 Māwardī, Abū al-Ḥasan (d.1058). 9, n.9, n.31, 203
Mecelle. 194
 Mehmed 'Alī. 133
 Mehmed IV. 93
 Mehmed II. 73
mekfūl. 80, 193
mens rea. 19, 20, 21, 27, 116, 194
 military commanders. 8, 9
 minors. 20, 21, 41, 44, 45, 154. *see also* children*** 20
 modernisation. 2, 103, 107, 142, 143, 188
 Mohammed (the Prophet). 5, n.5, 22, 27, 31, 55, 60, 64, 65, 71, 156, 158, 159, 163, 180, 192, 195
mūdiha. 52, 193, 194
 mufti. 16, 18, 25, 26, 29, 33, 42, 46, 61, 72, 85, 86, 89, 90, 99, 109, 110, 127, 128, 135, 140, 151, 191, 195
 Grand Mufti. 13, 14, 24, 29, 38
 Mughals. 106, 109, 112, 115, 117
muhsan. 194
muḥṣan. 61, 63, 123, 133, 157, 165, 167, 168, 192, 193, 194, 195
muhtasib. *see* market inspector*** 194
munaaqila. 52, 194

muṣliḥūn. 79
murtaḍd. *Zie* apostate*** 194
 Muslim Brothers. 164, 184, n.184, 203
musta'min. 47, 194
 mutilating punishments. 108, 160
müttehem. *Zie* suspects*** 77

nā'ib. 81, 194
nafy. *see* banishment*** 194
 natural justice, equity and good conscience. 120, 122
 Niger State. 169, n.169, 170
 Nigeria. vii, 4, 104, 119, n.119, 120, 121, n.121, n.122, n.123, 124, n.124, 126, 153, 169, n.169, 170, 171, n.171, 172, 173, 175, 176, 177, 178, 179, 181, 191, 198, 200, 202, 203, 204, 206, 210, 211
 Nigeria, institutions
 native courts. 121, 123, 124
 Nigeria, law
 native law and custom. 120, 121, 122, 123, 124, n.124
 Nigeria, legislation
 Criminal Code (1904). 120, 121, 123, 124, 125
 Native Courts Ordinance. n.123, 124, n.124, 125
 Native Courts Proclamation (1900). 120
 Penal Code for Northern Nigeria (1959). 119, 125
 Nimeiri. 145, 164, 167, 168
niṣāb. 58, 140, 172, 192, 193, 194
Nizām. 194, 203, 210
 Nizāmat 'Adālat. 110, 111, 112, n.112, 113, n.113, 116, n.116, 117, 118, 194, 195, 210
 Nizamut Adawlut. *see* Nizāmat 'Adālat 110
 non-Muslims. 9, 53, 56, 64, 94, 95, 126, 128, 157, 162, 165, 167, 170, 178, 187
 North Africa. 6, 103, 104

- nulla poena* principle. 175, 177
ṣāhib al-madīna. 10, 195
ṣāhib al-shurṭa. 10, 195
ṣāhib al-sūq. 9, 10, 195
ṣalāt. Zie prayer*** 64
ṣalb. Zie crucifixion. Zie crucifixion*** 195
- oath. 9, 12, 13, 16, 17, 18, 19, 40, 72, 84, 85, 121, 159, 193, 195
 disculpatory. 72, 84
- Ottoman Empire. 3, 4, 6, 11, 68, 69, n.69, 70, 72, 74, 92, 97, 100, 101, 105, 107, 108, 109, 115, 125, 126, 127, 133, 135, 141, 143, 148, 187, 189, 191, 192, 195, 196, 208, 209, 210
- Ottoman institutions
 district councils. 127
 Grand Vizier. 78, 87, 92, 191
 Imperial Divan. 78
 Niẓāmiye courts. 128, 194
 provincial councils. 127, n.127, 128
 Supreme Judicial Council. 127, 128, 129, 138, 194
- Ottoman law
 Mecelle. 194
- Ottoman legal practice. 83, 192, 194
- Ottoman legislation
 Code of Criminal Procedure (1879). 129
 Code of Shari'a Procedure (1917). 133
 Code of Shari'a Procedure of 1917, 105
 Constitution (1876). 129
 Gülhane Decree. 128, 130
 Mecelle. 148
 Ottoman Criminal Code. 73, 74, 76, 77, 80, 81, 82, 83, 87, 89, 90, 93, 94, 95, 97, 98, 99, 100, 101
 Penal Code (1840). 126, 127, 128, 129, 130
 Penal Code (1850). 129, 130, 137
 Penal Code (1858). 128, 129, 130, 210
 Reform Decree (İşlāhāt Fermanı) (1856). 131
- ṣulḥ*. Zie settlement*** 196
- Pakistan. 143, 153, 155, n.155, 156, n.156, 157, n.157, 158, n.158, 159, n.159, 160, n.160, 175, 179, 180, 192, 197, 198, 199, 201, 202, 203, 204, 206, 211
- Pakistan, institutions
 Federal Shariat Court. 155, 156, 158, 159, 160, 192
 Shariat Bench of the Supreme Court. 157, 158
- Pakistan, legislation
 Abolition of Whipping Act. n.156, 160
 Execution of the Punishment of Whipping Ordinance. n.156
- Offences Against Property (Enforcement of Hudood) Ordinance. 156, n.156
- Offences of Qazf (Enforcement of hadd) Ordinance. n.156
- Offences of Zina (Enforcement of Hudood) Ordinance. 156, n.156, 157
- Prohibition (Enforcement of hadd) Ordinance. n.156, 157
- Qanun-e Shahadat (Law of Evidence) Order. 158
- pandering. 34, 94, 162
- perjury. 118
- poison. *see* homicide:poisoning*** 26
- police. 8, 9, 10, 11, 57, 70, 78, 79, 80, 90, 97, 114, 116, 128, 129, 134, 135, 137, 138, 139, n.159, 163, 164, 173, 195, 196, 199, 203, 209, 210
- prayer. 64
 prayer. 10, 33, 65, 95
- pregnancy. n.15, 32, 37, 48, 131, 150, 166, 171, 177
 extramarital. 123, 167, 171
- prison. 9, 18, 36, 45, 80, 96, 99, 109, n.109, 112, 113, 116, 118, 123, 138, 163, 167, 168, 204, 210
- private law. 1, 7, 34
- procedure. 2, 8, 9, 11, 16, 17, 18, 19, 38, 39, 54, 63, 69, 72, 73, 74, 76, 78, 80, 81, 82, 83, 84, 87, 88, 91, 92, 93, 95, 96, 107, 112, 115, 121, 122, 125, 128, 129, 130, 134, 138, 140, 143, 149, 152, 158, 159, 163, 186, 188, 193, 195, 201, 208
- proper brideprice. 14, 59, 138, 139, 193
- prosecution. 39, n.40, 54, 57, 58, 59, 79, 93, 108, 114, 117, 119, 125, 129, 146, 164, 179, 186, 189
- prosecutor, private. 44, 49, 113, 129, 148, 196
- prosecutor, public. 11, 108, 115, 129, 152
- prosecutors
 private. 44
- prostitution. 10, 96, 170, 173
- puberty. 21, 154, 156, 161, 168, 170, 171, 180
- public interest. 10, 33, 53, 54, 68, 72, 114, 126, 192
- public morals. 9, 10, 80, 95, 194
- public order. 7, 68, 76, 78, 90, 96, 130, 131, 166, 187
- qādi*-'asker. 78
- qadhī*. *see* unfounded accusation of unlawful intercourse*** 194
- Qalqashandī, Shihāb al-Dīn Aḥmad (d.1418). 11
- qānūn*. 69, 70, 71, 72, 74, 75, 76, 80, 82, 83, 89, 92, 93, 96, 97, 99, 105, 129, n.153, 183, 188, 195, 197, 203, 204, 207, 208, 211
- Qānūn-i 'Osmānī*. 73
- qānūnnāme*. 195
- qaṭ'*. Zie amputation*** 195
- qaṭ' al-tariq*. Zie banditry*** 195, Zie banditry*** 192

- qasama*. 16, 17, 18, 19, 20, 40, 72, 78, 81, 92, 121, 158, 163
- qasāma*. 16, 195
- qat'. Zie amputation. Zie amputation*** 93, Zie amputation*** 57
- qat' al-tariq*. Zie banditry*** 93
- Qatar. 143
- qatl bi-sabab*. 195, see homicide, indirect*** 44
- qatl ghūla*. Zie homicide:heinous murder*** 195
- qatl khaṭa'*. Zie homicide, accidental. Zie homicide, accidental*** 193
- qawad*. 30, 195
- qisās*, n.138, 195, See retaliation*** 191
- q \ t. 7
- rajm*. Zie stoning*** 195
- Ramadan. 10, 29, 64
- rape. 15, 16, 85, 86, 89, 114, 156, 157, 177
- rebellion. 90, 127, 130, 160, 162
- rehabilitation. 27, 30, 31, 96
- repeated offenders. 9, 31, 67, 191
- repentance. 27, 58
- repentance. 20, 27, 28, 31, 34, 38, 58, 59, 65, 66, 96, 156, 196
- reprimand. 33, 97
- reputation. 9, 12, 16, 64, 70, 81, 85, 86, 91, 113, 166, 191
- bad reputation. 16, 77, 82, 84, 87, 89, 113
- retaliation. 7, 13, 15, 19, 20, 24, 25, 29, 30, 31, 32, 36, 37, n.37, 38, 39, n.40, 41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 59, 67, 78, 85, 92, 95, 97, 100, 111, 113, 114, 115, 116, 117, 122, 125, 126, 131, 132, 136, 138, 140, 149, 151, 153, 154, 156, 157, 161, 162, 163, 167, 168, 171, 172, 176, 177, 178, 186, 189, 195, 207, 211
- retribution. 30, 31, 66, 96
- ridda*. Zie apostasy*** 195, Zie apostasy*** 193
- rule of law. 105, 106, 115, n.143, 205
- ruler. 3, 4, 72, 83, 120, 149, 151
- sā'ī bi-l-fasād. Zie corruption on earth, spreading*** 195
- sabb al-nabi*. 65, 195
- Safiyatu Hussaini. 171, n.171, 204, 211
- Salonika. 77
- sariqa*. Zie theft*** 195
- Saudi Arabia. 4, n.31, 105, 142, 143, 146, 148, 151, 152, n.158, 163, 164, 168, 175, 176, 194, 199, 206, 210
- Saudi Arabia, institutions
- Board of Review. 150
- Board of Senior 'Ulama'. 149, 151
- Supreme Judicial Council. 150
- Saudi Arabia, legislation
- Basic Regulation of the Kingdom of Saudi Arabia (1992). 149
- Code of Criminal Procedure (2001). 152, 153
- self-defence. 25
- self-defence. 20, 25, 41
- settlement. 39, 49, 54, 60, 75, 79, 100, 104, 108, 112, 114, 129, 132, 138, 139, 146, 196
- sexual offences. 67, 73, 137, 138, 161, 162
- Shafi'ite. 6, 12, 21, 24, 26, 27, 31, 35, 37, 41, 43, 45, 48, 49, 50, 51, 56, 57, 58, 61, 63, 64, 67
- shahāda*. Zie testimony*** 195
- shahāda 'alā al-shahāda*. 12, 195
- Shaybānī, Muḥammad al-. 71, 72, 115
- Shiite. 6, 12, 15, 17, 21, 27, 34, 36, 37, 38, 40, 41, 43, 44, 45, 46, 47, 50, 51, 53, 56, 58, 61, 65, 161, 162, 163, 164, 167, 178, 180
- shubha*. 7, 20, 21, 22, 33, 54, 57, 62, 63, 65, 66, 75, 107, 118, 119, 140, 150, 165, 166, 196
- shurb khamr*. Zie drinking alcohol*** 196, Zie drinking alcohol*** 53
- shurṭa*. 10, 196
- sipahi*. 78
- siyāsa*. 4, 7, 8, 19, 31, 65, 66, 67, 68, 73, 74, n.75, 76, 82, 83, 88, 90, 91, 93, 94, 95, 96, 98, 100, 104, 105, 106, 107, 110, 111, 112, 113, 115, 125, 129, 131, 134, 136, 143, 151, 152, 153, 176, 188, 189, 196
- siyaset*. 127, 130
- slander. 7
- slaves. 22, 23, 31, 40, n.40, 41, 47, 49, 50, 51, 52, 53, 59, 60, 62, 65, 67, 80, 92, 94, 95, 96, 115, 133, 194
- sodomy. 62, 86
- Sokoto. 120, 169, n.169, 171
- solidarity group. 19, 33, 49, 50, 72, 92, 117, 157, 167, 168, 191, See solidarity group*** 18
- Spain. 3, 6, 17, 195, 209
- state interest. 96
- statute of limitation. 11
- stoning. 32, 36, 37, 55, 60, 61, 93, 94, 104, 108, 115, 119, 123, 133, 140, 145, 146, 150, 154, 159, 160, 161, 162, 163, 167, 175, 176, 194, 195
- strokes. See flogging*** 12
- subaṣi*. Zie police*** 196
- subaṣi*. Zie police*** 97, Zie police*** 78
- Sudan. 14, n.123, 140, 145, 153, n.158, 164, n.164, n.168, 175, 176, 177, 180, 197, 199, 200, 202, 205, 206, 211
- Sudan, legislation
- Civil Procedure Act (1984). 165
- Civil Transactions Act (1984). 165
- Criminal Procedure Act (1983). 164
- Criminal Procedure Act (1991). 168

Cambridge University Press

0521792266 - Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century

Rudolph Peters

Index

[More information](#)

Index

219

- Evidence Act (1983). 158, 164, 166, 167, 169
 Judgements (Basic Rules) Act. 165
 Judgements (Basic Rules) Act (1983). 164, 168
 Penal Code (1899). 125
 Penal Code (1974). 165
 Penal Code (1983). 164, 165, 166, 167, 168
 Penal Code (1991). 128, n.147, 153, n.153, n.160, 165, 166, 168, 169, n.169, 170, 171, n.171, 172, n.172, 176, 177, 178, 179, 180, 203, 210, 211
 Süleyman the Magnificent. 73, 75
 Süleyman the Magnificent. 73
 sultan. 4, 23, 58, 70, 71, 72, 75, 76, 80, 87, 91, 92, 93, 98, 101, 127, 131, 132, 133, 135, 149, 188, 205
 Sunna. 53, 149, 155, 158
 suspects. 9, 11, 18, 70, 73, 75, 76, 77, 80, 81, 82, 83, 84, 89, 91, 96, 99, 121, 137, 164, 188, 193, 194
 Syria. 132
 ta'zīr. 7, 16, 19, 28, 29, 33, 35, 39, 49, 55, 65, 66, 67, 68, 74, 85, 92, 94, 96, 97, 99, 104, 105, 111, 118, 123, 129, 131, 132, 138, 143, 149, 150, 156, 159, 160, 161, 162, 163, 165, 166, 169, 176, 180, 196
taghrib. See banishment*** 34
tashhīr. See exposure to public scorn*** 196
 tawba. See repentance*** 196
 taxes. 93, 97, 130, 155, 164
 testimony. 12, 13, n.14, 15, 16, 17, 26, 37, 63, 113, 138, 166, 177, 191, 195
 theft. 1, 7, 13, 16, 27, 28, 30, 31, 32, 35, 53, 54, 55, 56, 57, 58, 59, 66, 73, 74, 77, 83, 93, 95, 100, 107, 118, 123, 130, 133, 134, 136, 137, 139, 140, 142, 150, 154, 160, 163, 166, 168, 171, 179, 194, 195
 tort. 7, 19, 55, 59, 117
 torture. 37, 49, 77, 82, 83, 120, n.124, 127, 137, 151, 153, 160, 164, 175, 176, n.176, 182, 184, 188, 194
 treasury. 31, 50, 191
 Umar, second caliph (634–644). 64, 68, 207
 uncertainty. See *shubha**** 196
 unfounded accusation of unlawful sexual intercourse (*qadhif*). 7, 11, 15, 28, 53, 54, 63, 123, 132, 154, n.156, 157, 159, 179, 194
 unfounded accusation of unlawful sexual intercourse (*qadhif*). 13
 United Arab Emirates. n.147, 153, 203
 United Nations. 174
 United States. 182
 Universal Declaration of Human Rights of 1948. 174
 Universal Islamic Declaration of Human Rights. 183
 unlawful sexual intercourse, fornication. 7, 13, 14, 15, 22, 26, 28, 30, 32, 34, 35, 53, 55, 59, 60, 61, 62, 63, 67, 73, 94, 95, 97, 116, 121, 123, 125, 132, 138, n.139, 150, 154, 156, 157, 159, 165, 166, 167, 168, 171, 177, 179, 184, 194, 195, 196
 homosexual intercourse. 36, 61, 99
walī al-dam. Zie prosecutor:private*** 196
 West African Court of Appeal. 121, 124
 Western law. 4, 143, 145, 147
 westernisation. 103, 133, 142, 143
 wine. 15, 16, 22, 55, 56, 64, 65, 68, 73, 95, 196
 women. 10, 12, n.14, 15, 16, 17, 18, 19, 22, 23, 25, 26, n.31, 32, 34, 35, 37, n.40, 45, 47, 48, 51, 52, 53, 55, 56, 57, 59, 60, 62, 63, 65, 67, 68, 78, 89, 93, 94, 95, 96, 101, 116, 123, 131, 133, 138, 139, 150, 152, 156, 157, 162, 163, n.164, 166, 167, 171, 177, 178, 180, 192, 193, 202, 205, 211
 wounding. 7, 13, 15, 25, 26, 38, 43, 44, 49, 58, 72, 73, 85, 92, 94, 96, 97, 100, 104, 105, 108, 117, 119, 122, 128, 131, 132, 137, 138, 140, 141, 143, n.147, 149, 153, 156, 157, 160, 161, 165, 167, 169, 172, 176, 178, 186, 189, 195
 accidental. 43, 49
 intentional. 39, 43, 44, 53
 Yemen. 105, 143, n.143, 205
 Yemen, legislation
 Code of Criminal Procedure (1994). n.141, 143
 Evidence Law (1996). 143
 Penal Code (1994). 143, 153, 168, 179
zakāt. 155, 164
 Zamfara. 169, n.169, 170, n.170, 171, n.171, 172, n.172
 Zia ul-Haq. 155, 159
zinā. Zie unlawful sexual intercourse*** 196
 Zie unlawful sexual intercourse, fornication*** n.15
 zindiq. 22